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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 United States of America,

15 Plaintiff,

16 v.

17 Kevan David Hoover,

18 Defendant.

Case No. 2:22-mj-00324-DJA

ORDER

19 **Stipulation**

20 Mr. Hoover was charged by complaint with three counts: (1) Operating a
21 Motor Vehicle while Under the Influence of Alcohol (a violation of 36 C.F.R. §
22 4.23(a)(1)); (2) Operating a Motor Vehicle with a BAC of 0.08 Grams and Higher (a
23 violation of 36 C.F.R. § 4.23(a)(2)); and (3) Speeding (a violation of 36 C.F.R. §
24 4.21(c)). (ECF No. 1.)

25 Mr. Hoover entered a plea agreement (ECF No. 24), pleaded guilty to Count
26 One, and was sentenced as follows: "Defendant is sentenced to one year
27 unsupervised probation; \$500.00 fine and \$10.00 penalty assessment; attend and
complete lower court DUI course and victim impact panel; successfully complete an

eight (8) hours online alcohol awareness course; and restricted from Lake Mead National Recreational Area for six months. If the defendant completes his conditions within the first six months of his unsupervised release, government counsel will move to amend count one to Reckless Driving, see plea agreement.” (ECF No. 23.) Counts Two and Three were dismissed. (*Id.*)

Mr. Hoover now has completed the special conditions of his unsupervised probation. Accordingly, the parties jointly request that the Court allow Mr. Hoover to withdraw his guilty plea to Count One (Operating a Motor Vehicle Under the Influence) and enter a plea of guilty to an Amended Count One: Reckless Driving.

Dated April 22, 2024.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

Jason Frierson
United States Attorney

/s/ Rick Mula
Rick Mula
Assistant Federal Public Defender

/s/ Randolph J. St. Clair
Randolph J. St. Clair
Assistant United States Attorney

Proposed Order

Based on the representations of counsel, the Court finds that Mr. Hoover has completed the requirements of his unsupervised probation in accordance with his plea agreement and sentence.

IT IS THEREFORE ORDERED that Mr. Hoover is permitted to withdraw his guilty plea to Count One: Operating a Motor Vehicle Under the Influence.

IT IS FURTHER ORDERED that the Court, consistent with the plea agreement and sentence, enters a plea of guilty to Amended Count One: Reckless Driving.

IT IS FURTHER ORDERED that the status conference set for April 26, 2024, at 11:30 AM is vacated and this case closed.

DATED this ^{24th} day of April, 2024.



DANIEL J. ALBREGTS
United States Magistrate Judge